

REMARKS

This application has been carefully reviewed in light of the Office Action dated April 26, 2007. Claims 1 to 6, 8, 11 to 15, 18 to 21, 23 to 29, 31, 34 to 38 and 41 to 56 are pending the application, with Claims 17 and 40 having been cancelled. Claims 1, 23, 24, 55 and 56, all which have been amended, are in independent form. Reconsideration and further examination are respectfully requested.

Claim 24 was rejected under 35 U.S.C. § 112, sixth paragraph. In particular, the Office Action alleges that the claimed apparatus is still referring to software, and it is unclear whether the claimed “providing means” and “storage means” refer to hardware. This rejection is respectfully traversed, since the apparatus recited in Claim 24 is not seen to be limited to software, but is also seen to correspond with hardware (see, for example, page 6, lines 4 to 8 in the specification).

Claims 24 to 29, 31, 34 to 38, 40 to 44 and 50 to 54 were rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. In particular, the Office Action alleges that the claims appear to be directed to “software systems” without any hardware indication. This rejection is respectfully traversed, since the claimed apparatus is not seen to be limited to software, but is also seen to correspond with hardware (see, for example, page 6, lines 4 to 8 in the specification).

Claims 1, 2, 15, 17, 18, 20, 21, 23 to 25, 38, 40 to 44, 49 and 54 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,687,878 (Eintracht) in view of U.S. Patent No. 5,821,931 (Berquist); Claims 3 to 6, 8, 11, 13, 26 to 29, 31, 34, 36, 45 to 48, 50 to 53 and 55 were rejected under 35 U.S.C. § 103(a) over Eintracht in view of Berquist and further in view of U.S. Patent No. 6,597,800 (Murray); Claims 12 and 35

were rejected under 35 U.S.C. § 103(a) over Eintracht in view of Berquist and Murray, and further in view of U.S. Patent No. 6,021,221 (Takaha); Claims 14 and 37 were rejected under 35 U.S.C. § 103(a) over Eintracht in view of Berquist and Murray, and further in view of U.S. Patent No. 6,616,701 (Doyle); and Claims 19 and 42 were rejected under 35 U.S.C. § 103(a) over Eintracht in view of Berquist and further in view of U.S. Patent No. 6,976,229 (Balabanovic). Claims 17 and 40 have been cancelled without prejudice or disclaimer of the subject matter and without conceding the correctness of their rejection. Reconsideration and withdrawal of the rejection of the remaining claims are respectfully requested.

The present invention generally concerns annotating an image. Among its many features, the present invention provides for (i) extracting a plurality of metadata labels from an existing database of metadata labels to form a list of metadata labels, and (ii) displaying the image adjacent to a displayed plurality of labelled icons (or to displayed representations of metadata labels), wherein the metadata labels are generated prior to having knowledge of the content of the image.

Referring specifically to the claims, independent Claim 1 as amended is directed to a method of annotating an image. The method comprises the steps of extracting a plurality of metadata labels from an existing database of metadata labels to form a list of metadata labels, associating each of the metadata labels in the list with at least one of a plurality of icons, and displaying the plurality of icons, each of the icons being labelled with one or more of the metadata labels with which the icon was associated. The method also comprises the steps of displaying the image adjacent to the displayed plurality of labelled icons, wherein the metadata labels are generated prior to having knowledge of the

content of the image, detecting selection of at least one of the displayed plurality of labelled icons, and determining a location of a subject rendered within the image based on a selection of the subject, the one or more metadata labels associated with the selected icon being related to the selected subject. In addition, the method comprises the steps of linking the one or more metadata labels associated with the selected icon with a description of the location of the selected subject within the image, and storing the linked one or more metadata labels and the description as an annotation of the image.

Independent Claims 23 and 24 as amended are respectively directed to a computer readable medium and an apparatus which are seen to generally correspond with Claim 1.

Independent Claim 55 as amended is directed to a method of annotating an image. The method comprises the steps of extracting a plurality of metadata labels from an existing database of metadata labels to form a list of metadata labels, associating each of the metadata labels in the list with at least one of a plurality of icons, and displaying the plurality of icons, each of the icons being labelled with one or more of the metadata labels with which the icon was associated. The method also comprises the steps of displaying the image adjacent to the displayed plurality of labelled icons, wherein the metadata labels are generated prior to having knowledge of the content of the image, detecting selection of at least one of the displayed plurality of labelled icons, and determining a location of a subject rendered within the image based on a selection of the subject, the one or more metadata labels associated with the selected icon being related to the selected subject. In addition, the method comprises the steps of forming a bounded region within the image about the location at which the subject is rendered in the image, the bounded region being configured

to substantially surround the subject, linking the one or more metadata labels associated with the selected icon with a description of the bounded region, and storing the linked one or more metadata labels and the description as an annotation of the image.

Independent Claim 56 as amended is directed to a method of annotating an image. The method comprises the steps of extracting a plurality of metadata labels from an existing database of metadata labels to form a list of metadata labels, displaying a representation of each of the metadata labels in the list, and displaying the image adjacent to the displayed representations of metadata labels, wherein the metadata labels are generated prior to having knowledge of the content of the image. The method also comprises the steps of detecting selection of at least one of the displayed representations of metadata labels, and determining a location of a subject rendered within the image upon the subject being selected, the metadata label associated with the selected representation being related to the selected subject. The method also comprises the steps of linking the metadata label associated with the selected representation with a description of the location of the selected subject within the image, and storing the linked metadata label and the description as an annotation of the image.

The applied art is not seen to disclose or to suggest the features of the invention of the subject application. In particular, Eintracht, Berquist, Murray, Takaha, Doyle and Balabanovic are not seen to disclose or suggest at least the features of (i) extracting a plurality of metadata labels from an existing database of metadata labels to form a list of metadata labels, and (ii) displaying the image adjacent to a displayed plurality of labelled icons (or to displayed representations of metadata labels), wherein the metadata labels are generated prior to having knowledge of the content of the image.

As understood by Applicants, Eintracht discloses that notes can be created by selecting an annotation tool on the screen and placing the cursor in the area of the image where it is desired to place a note. A box is created and the user can enter text. Once entered, the text appears in the form of a 'stick' note that appears on top of the image. See Eintracht, column 15, lines 10 to 12.

However, Eintracht is not seen to disclose or suggest extracting a plurality of metadata labels from an existing database of metadata labels to form a list of metadata labels. In addition, Eintracht is not seen to disclose or suggest displaying the image adjacent to a displayed plurality of labelled icons (or to displayed representations of metadata labels), wherein the metadata labels are generated prior to having knowledge of the content of the image.

Berquist is not seen to compensate for the deficiencies of Eintracht. In particular, Berquist is seen to disclose that when a new note is dispensed, the note can be displayed with an insert symbol (for example, a blinking vertical bar) at an insert point in the notation area of the note, such as in the notation area 106 of the note 100. Text or other material can be entered from a keyboard or other input device 306. If text is to be entered, for example, the computer user simply begins typing at the insert symbol within the newly dispensed (i.e., created) note. See Berquist, column 10, lines 50 to 62.

As such, Berquist is seen to disclose that the content for a new note is entered after it has been dispensed. However, Berquist is not seen to disclose or suggest that metadata labels are generated prior to having knowledge of the content of the image. Accordingly, Berquist is not seen to disclose or suggest (i) extracting a plurality of metadata labels from an existing database of metadata labels to form a list of metadata

labels, and (ii) displaying the image adjacent to a displayed plurality of labelled icons (or to displayed representations of metadata labels), wherein the metadata labels are generated prior to having knowledge of the content of the image.

In addition, Murray, Takaha, Doyle and Balabanovic have been reviewed and are not seen to compensate for the deficiencies of Eintracht and Berquist.

Accordingly, based on the foregoing amendments and remarks, independent Claims 1, 23, 24, 55 and 56 as amended are believed to be allowable over the applied references.


The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

Finally, regarding a formal matter, page 2 of the Office Action once again alleges that the Information Disclosure Statement filed March 13, 2006 fails to comply with 37 CFR 1.98(a)(1). Applicants respectfully disagree, for the reasons provided at pages 19 to 20 of the October 19, 2006 Amendment After Final Rejection.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa,
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our below-listed address.

Respectfully submitted,



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